

III. Remarks

Reconsideration and allowance of the subject application are respectfully requested.

Claims 24-30 are pending in the present application, with Claim 24 being independent.

While Applicants specifically traverse the 35 USC § 132 objection and the 35 USC § 112, first and second paragraph rejections, it is believed that they are mooted by the clarifying amendments made to the claims.

Claims 24-30 were rejected as being unpatentable over Trampusch, Settles, Opel, and Swain, for the reasons discussed at pages 5-7 of the Office Action. Applicants respectfully traverse all art rejections.

As the Office Action acknowledges, Trampusch fails to disclose or suggest dry ice granules ranging in size from approximately 0.005 to 0.040 inches in diameter, at a gas-to-dry ice mass ratio ranging from approximately 2.0 to 3.5, and at a gas flow rate ranging from approximately 3 to 50 SCFM.

Opel discloses dry ice having a particle diameter of 0.015-0.045 inches. Opel fails to disclose or suggest a gas-to-dry ice mass ratio ranging from approximately 2.0 to 3.5 and a gas flow rate ranging from approximately 3 to 50 SCFM.

Settles discloses ice (not dry ice) particles with a diameter of 0.0018 to 0.004 inches (more than ten times smaller than the claimed diameter of **dry ice** particles). Settles also discloses an ice (again, not dry ice) to gas mass flow rate ratio of "as high as 1." Settles fails to disclose the gas flow rate ranging from approximately 3 to 50 SCFM. Importantly, Settles teaches that it is disadvantageous to use larger particle sizes:

[H]owever, as the purpose of the present invention is to accelerate these water droplets, when frozen, after freezing, the inertia of 1000 um droplets can be too great for significant acceleration to occur (so these droplets exhibit little increase in their velocity, even far downstream of the nozzle). On the other hand, smaller (e.g., approximately 10 and less than 100 um) droplets follow the fluid velocity closely and achieve a significant fraction of the fluid velocity at the exit of the nozzle. Likewise, the performance of 100 um droplets is more modest; these droplets attain only about half the fluid velocity at the nozzle exit.

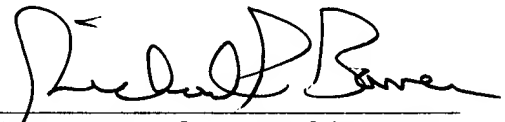
Therefore, the person of ordinary skill in the art would never think to combine the large **dry ice** particles of Opel with the small **ice** particles of Settles in the face of Settles clear teaching away from the use of larger particles. Therefore, Applicants respectfully submit that there is no motivation for the person of skill in the art to combine the references in the

manner proposed. Accordingly, Applicants respectfully request that the prior art rejections be withdrawn.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Bauer", written over a horizontal line.

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